

# Notice of Allowability

Application No.

10/613,333

Examiner

Vikram P. Sundararaman

Applicant(s)

FRIEDMAN ET AL.

Art Unit

3736

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Application 10/613333 filed on July 03, 2003.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 200602142.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

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## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The examiner authorizes the applicant to amend the drawings as discussed in the telephone interview with Patrick Yoder (Attorney Registration Number 37479) on February 14, 2006. The recommended changes to the drawings include:

- a. Page 12, Line 16 of the specification reads, "... may return to decision block 68 to determine". Figure 5 shows return to block 64, which is not the decision block described. The drawing should be changed so that the arrow from block 88 returns not to block 64 as is currently in Figure 5, but to decision block 68 as correctly described in the specification.

Authorization for this examiner's amendment was given in a telephone interview with Patrick Yoder (Attorney Registration Number 37479) on February 14, 2006.

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The application has been amended as follows:

- b. In Claims 7-12, "tangible medium" has been changed to read -- computer readable program on a tangible medium --.
- a. Page 3, Line 11 of the specification has been changed from "and the second oscillation acquired via an independent heart rate..." to -- and the second oscillation is acquired via an independent heart rate.
- b. Page 14, Lines 12 and 14 describe "block 92" which has been changed to read -- block 95 -- as indicated in the drawings.

***Allowable Subject Matter***

- 2. Claims 1-20 are allowed.
- 3. The following is an examiner's statement of reasons for allowance:

Claims 1,7,13, and 15:

It is well known in the art to monitor blood pressure using oscillometric techniques. Friedman et al, US 6,423,010 B1, hereinafter referred to as Reference 1 teaches a method and apparatus for measuring blood pressure using oscillometric techniques. Specifically, Reference 1 teaches the acquisition of: a first and second adjacent oscillations at a pressure increment, a time interval between the oscillations via a heart monitor signal generated by an independent heart rate monitoring device, a selection of matching criteria based upon the heart monitor signal and a determination of whether the first and second oscillations are equivalent based on one or more oscillation characteristics and upon the selected set

of matching criteria. What Reference 1 does not teach is determining whether the time interval between oscillations is substantially an integer multiple of a reference time interval using the selected set of matching criteria. By determining whether the time interval between oscillations is substantially an integer multiple of a reference time interval using the selected set of matching criteria, the present invention improves on the prior art by providing a method to analyze non-adjacent oscillations for equivalency at a given pressure increment using the selected unrelaxed or relaxed matching criteria.

Claims 2-6 are allowed since they are dependent upon Claim 1, which is allowable as detailed previously in this action.

Claims 8-12 are allowed since they are dependent upon Claim 7, which is allowable as detailed previously in this action.

Claim 14 is allowed since it is dependent upon Claim 13, which is allowable as detailed previously in this action.

Claims 16-20 are allowed since they are dependent upon Claim 15, which is allowable as detailed previously in this action.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vikram P. Sundararaman whose telephone number is 571-272-3351. The examiner can normally be reached on M-F, 730am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on 571-272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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ROBERT S. MASON  
EXAMINER